

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri P. Srinivas, S/o Hanumantha Rao, R/o Hyderabad against the proceedings Rc.No.1901/02/C4, dated 20.03.2013 of the District Collector, Guntur under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

**SOCIAL WELFARE (TW.CV.2) DEPARTMENT**

G.O.Ms.No.59

Dated:10.05.2018  
Read the following:

1. Proceedings of the District Collector, Guntur District Rc No.1901/02/C4, dated 20.03.2013.
2. Appeal Petition filed by Sri P.Srinivas S/o Late Hanumantha Rao, R/o Hyderabad, before M(TW),No.165/M(TW)/2013, dt..22.04.2013.
- 3.The Order of the Hon'ble High Court of A.P., Hyderabad in WP MP No.15113/2013 in WP No.12222/2013, dt.22.04.2013 filed by Sri P.Srinivas.
4. Govt. Memo No.5083/CV.2/2013, dated 10.05.2013.
5. From the District Collector, Guntur, Lr.Rc.No.1901/02/C4, dated 29.05.2013.
6. Govt. Memo No.5083/CV.2/2013, dated 18.02.2014, 20.05.2015 &15.10.2015.
7. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 31.10.2015.
8. Govt. Memo No.5083/CV.2/2013, dated 30.04.2016.
9. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 14.05.2016.
10. The representation received from the appellant through his Council along with the minutes of the then M(SWE&TWE), Endt. No.109/SWE&TWE, dated 26.01.20017.
11. Govt. Memo No.5083/CV.2/2013, dated 29.05.2017.
12. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 17.06.2017.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the District Collector, Guntur has issued orders cancelling ST-Konda Kapu caste certificate obtained from the then Tahsildar, Guntur in the year 1983 by Sri Parnam Srinivas S/o Hanumatha Rao.

2. In the reference 2<sup>nd</sup> read above, Sri Parnam Srinivas S/o Hanumatha Rao, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Guntur. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 4<sup>th</sup> read above.

3. In the reference 3<sup>rd</sup> read above, Sri P. Srinivas, S/o Hanumantha Rao, has filed WP MP No.15113/2013 in WP No.12222/2013 before the Hon'ble High Court of A.P., Hyderabad, against the proceedings of the District Collector, Guntur dated 20.03.2013. The Hon'ble High Court of A.P., Hyderabad in the said WP on 22.04.2013 has directed the Government to deal with the appeal preferred by the petitioner on 12.04.2013 as expeditiously as possible, preferably within a period of six months and ordered the Chairman (Disciplinary Authority), LIC, Mumbai shall not proceed, in any manner, with regard to the social status certificate produced by the petitioner for securing employment till such time the Appeal preferred by the petitioner is decided by the Appellate Authority. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

4. In the reference 5<sup>th</sup> read above, the District Collector, Guntur has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Parnam Srinivas S/o Hanumatha Rao.

5. The said Appeal Petition has been posted for hearing on 24.02.2014, 20.06.2015, 31.10.2015, 14.05.2016 & finally on 17.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6<sup>th</sup>, 8<sup>th</sup> & 11<sup>th</sup> read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no

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explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the references 7<sup>th</sup>, 9<sup>th</sup> & 12<sup>th</sup> read above, the appellant has filed written arguments through his Counsel before the Appellate Authority on 31.10.2015, 14.05.2016 & 17.06.2017.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Guntur and proceedings of the District Collector, Guntur dated 20.03.2013 the Appellate Authority is observed that :

- I. The appellant in his grounds has stated that the Collector, Guntur ought to have closed the enquiry against the appellant by holding that the appellant belong to Konda Kapu community as per the records produced by him, that are as old as 60 years. But the Collector erred in observing that the appellant does not belong to Konda Kapu and he ought to have seen that the conclusion arrived by the District Level Scrutiny Committee headed by the Joint Collector, Guntur based on the report submitted by the Tribal Welfare Officer, Guntur. Further he has stated that the Collector, Guntur erred in not supplying the 1. Copy of the report prepared by the DTWO Guntur, which is the basis for the cancellation of the certificate 2. Did not supply the copy of the G.O.Ms.No.147, dt:27.04.1977 and also 3. Copy of the reports/records said to have been submitted to the office of District Collector Rampachodavaram Revenue authorities as stated in the notice dt:05.11.2012. The Collector, without taking into consideration of the fact that CBCID investigation was already held at the time of issue of the appellants caste certificate, any further investigation in respect of the appellant's caste becomes estoppel. But the Collector, hastily decided to cancel the caste certificate.
- II. The District Level Scrutiny Committee has observed that the District Tribal Welfare Officer, Guntur expressed doubt on the genuineness of the statements given by the villagers since there are no blood relatives to Parnam Srinivas in the village. Further, the Tahsildar, Rampachdavaram appears to have not conducted proper enquiry and issued caste certificate to a person who never resided in the village since his childhood. Similarly, the father of the individual also never resided in the village. The individual has stated that his grandfather migrated from the village around the year 1920. There are records that the individual resided in Guntur since his childhood and he never resided at Gunjugudem village of Rampachodavaram Mandal. Therefore the Tahsildar, Rampachodavaram committed an irregularity in issuing the caste certificate to Paranam Srinivas. The individual mis-represented that he is an ordinary resident of Gunjugudem village and also resided there for about 36 years. The District Tribal Welfare Officer, Guntur reported that the mother of P. Srinivas belong to Balija community, his wife belongs to Balija community, his sister Uma Devi and Rama Devi were given in marriage two gentlemen who belonged to Telaga community. Their entire family is having matrimonial alliances with Balija or Telaga community people exclusively. This would evidently suggest an impression that they might belong to "Kapu" or Telaga community which comes under OC category. As per G.O.Ms No.147, SW Dept dt 24.7.1977, the Revenue officer not below the rank of a Tahsildar/Revenue Divisional Officer can issue caste certificate in respect of the Tribe where he/she claims nativity.
- III. The DLSC has also observed that there are no Konda Kapu tribes in Guntur District. No Konda Kapu person can claim nativity in Guntur and the Tahsildar, Guntur is not competent to issue KONDA KAPU certificate. The Tahsildar, Rampachodavaram issued certificate irregularly. It cannot be taken into consideration.
- IV. Further The DLSC has also observed that All his blood relatives married to Kapu/Balija community people and the individual failed to prove his tribal characteristics he never suffered any stigma as a tribe, he never resided any tribal agency. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.
- V. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.
- VI. The Appellate Authority is observed that the advocate for appellant relied on Sec 90 of evidence Act which speaks that a 30 year old document is presumed to be genuine. The said provision is not applicable to the present cases as the authorities exercising power under AP Act 16 of 1993 are the statutory authorities, who are expected to follow only the Act 16 of 1993, rules framed there under in 1997 vide G.O.Ms.No.58, the principles of natural justice and other relevant laws but not the procedural enactments such as evidence Act or CPC.

VII. The Appellate Authority is observed that further the said cases are disposable by the said statutory authorities by summary procedure by following the said statute, rules framed there under, GO's and guidelines issued by the Government of AP and union of India. Further they have not produced the original of service certificate of the appellant's father. In order to ensure that the principles of natural justice are scrupulously followed. The Government as appellate authority is very liberal in receiving and considering the documents even if produced by the parties at any stage of the appeal including that of "arguments". The appellant failed to prove that his father or his ancestors hailed from agency village much less Gunjugudem and that they belong to Konda Kapu community. The decisions cited by the appellant are not applicable to the case on hand. According to the appellant he is born out of inter caste marriage and his brother is Balija(OC) and his father is ST Konda Kapu. The individual misrepresented during the enquiry saying that he is an ordinary resident of Gujugudem village and also resided at Gunjugudem village of Rampachodavaram mandal. It is also not confirmed whether "Parnam" surname exist in Konda Kapu community. The District Tribal Welfare Officer, Guntur stated that parnam surname is not common in Konda Kapu community. It has been on record that he has not furnished the address particulars of the relatives on his father's side, on the other hand his mother's side belong to Kapu/Telaga-(OC). The said statement stares at his face that when his sisters are Telaga-OC then he can't become ST-Konda Kapu as such the certificate obtained by him is grossly fraudulent and hence there is every justification for cancellation of the same. In view of the above it can safely concluded that his father's certificate if any as ST-Konda Kapu must also have been obtained by him also by fraud. As per G.O.Ms.No 147, S.W. Department, dt:24.7.1977, the Revenue Officer not below the rank of a Thasildar/Revenue Divisional Officer can issue caste certificate in respect of the tribe where he/she claims nativity. There are no Konda Kapu tribes in Guntur District. No Konda Kapu person can claim nativity in Guntur and the Thasildar, Guntur is not competent to issue Konda Kapu certificate. In view of the above it is obvious that, the Certificate issued by the Thasildar, Rampachodavarm is also grossly incorrect, and can't be taken to be Genuine. The appellant and his blood relatives married to Kapu/Balija community people and the individual failed to prove his tribal characteristics. He never suffered any stigma as a tribe, he never resided in any tribal agency. Therefore the Government is of considered view that the appellant belongs to OC Telaga community as his sister belong to OC Community according to him. He and his father belong to OC community according to him. He and his father played fraud and obtained false caste certificate. Therefore the appellant was reluctant to give the particulars of the father, mother and relatives as he is aware that if the same are revealed would proved the fraud played by him. Hence he deliberately suppressed the same. In view of the above facts and circumstances the Government is of considered view that Tahsildar, Guntur wrongly issued the caste certificate without conducting proper enquiry. Hence there is very justification for confirming the orders issued by the District Collector, Guntur as no infirmity is found in the said order.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), decide that the appeal petition filed by Sri Parnam Srinivas S/o Hanumatha Rao, does not deserve any interference. Hence, Proceedings of the District Collector, Guntur issued vide Rc No.1901/02/C4, dated 20.03.2013, is hereby upheld and the Appeal Petition filed by Sri Parnam Srinivas S/o Hanumatha Rao, is hereby dismissed and the Certificate issued by the then Tahsildar, Guntur is deemed to be cancelled.

8. The District Collector, Guntur is directed to take necessary consequential action in the matter.

9. The records (containing Rc.No.1901/02/C4, pages: CF: 1-473) received from the District Collector, Guntur through the reference 5<sup>th</sup> read above, are returned herewith in original to the District Collector, Guntur and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.S. RAWAT**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The District Collector, Guntur. (BY RPAD)  
(with original records).

**[Contd..on P.4]**

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The Regional Manager(P&IR),  
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Saifabad, Hyderabad-63.

The Senior Divisional Manager (LIC)  
Jeevan Prakash, Kennedy Road,  
Machilipatnam, Krishana District– 521001.

**Copy to:**

The Director, TCR& TI, AP, Amaravahi.

The P.S. to M(SWE&TWE)

The P.S. to Principal Secretary (SW&TW).

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**